

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION FOR ARBITRATION OF THE)	
INTERCONNECTION AGREEMENT BETWEEN)	CASE NO.
BELLSOUTH TELECOMMUNICATIONS, INC.)	2000-089
AND NOW COMMUNICATIONS, INC. PURSUANT)	
TO THE TELECOMMUNICATIONS ACT OF 1996)	

O R D E R

NOW Communications Inc. ("NOW") petitioned the Commission for rehearing of the May 1, 2000 denial of its motion to dismiss this proceeding.

NOW's motion to reconsider raises no new issues which were not previously considered by the Commission. As the Commission's May 1, 2000 Order explains, NOW countersigned a letter agreeing to an extension of time for the statutory window in which BellSouth could seek arbitration on the pending negotiations. Many of the attachments to NOW's motion and BellSouth's response indicate that the parties were in fact negotiating a new agreement. Having permitted BellSouth to rely upon its representations that an extension had been agreed upon, NOW is estopped from denying those representations.

Furthermore, the matters at issue in this proceeding appear ripe for Commission decision. Both parties agree that the 1997 agreement remains in effect until another agreement is signed pursuant to this Commission's determinations.

Accordingly, IT IS THEREFORE ORDERED that NOW's motion for reconsideration is denied.

Done at Frankfort, Kentucky, this 7th day of June, 2000.

By the Commission

ATTEST:


Executive Director